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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,678	11/06/2000	Webster Hughes	4530-1	8283

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EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,678

Applicant(s)

HUGHES, WEBSTER

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-25,29-33 and 46 is/are pending in the application.
- 4a) Of the above claim(s) 1-17,26-28 and 34-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-25,29-33 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-17,26-28 and 34-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/6/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This communication is in response to amendment filed 1/6/2005.

Response to Amendment

2. Claims 18-25 and 29-33 have been amended. New claim 46 has been added.

Statute Cited in Prior Action

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. Claims 18-25, 29-33 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18-25, 29-33 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Regarding amended claim 18, the method step "facilitating execution of a transaction in a computerized system, the transaction based on a first order communicated by a first ordering party and a second order communicated by a second party" does not functionally relate to the remaining two steps "allowing" and "identifying".

This assertion is verified by the inquiry:

Does the facilitating step depend on any one of the allowing and the identifying steps?

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Alternatively, do the allowing and the identifying steps depend on the facilitating step?

It is clear from the claim recitation that the execution of the transaction is carried out based on the respective orders communicated by respective parties only and without regard to the communication of the intermediate orders and identification of (at least one) chain of the intermediate parties.

In order to resolve the deficiency, the claim must clearly point out the relationship among the processes recited in all method steps. In this case, the relationship of the intermediate orders and the chain of the intermediate parties to facilitation of the transaction must be clearly recited in order that the entire is particularly pointed out and distinctly claimed.

Dependent claims 19-25, 29-33 and 46 stand rejected for the same reasons.

Claim 46 recites limitation "the orders have parameters set by the parties" without being specific as to which orders referred to in claim 18 this limitation is applied. Claim 18 refers to first order, second order and intermediate orders. Additionally, claim 46 refers to limitation "the intermediate parties in the chain are permitted despite not being determined by parameters set by the first and second ordering parties", which renders the claim unclear, since the claims does not point out what is being permitted.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 18-20 is rejected under 35 U.S.C. 102(e) as being anticipated by Broerman (US 6,594,633). (Broerman)

Per claim 18 (Broerman)discloses a method comprising:

Facilitating execution of a transaction in a computerized system, the transaction based on a first order communicated by a first ordering party and a second order communicated by a second party (see Figure 9, negotiation sale, first ordering party is a seller and second party is a buyer, transaction is purchase/sale of a real estate property, please see relevant description in the detailed description of the reference);

Allowing each of a plurality of intermediate parties ..to communicate intermediate transactions relating to the transaction to one another (as shown in Figures, 3 and 10,

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real estate transaction involve a plurality of intermediate parties such as brokerage system 22, facilitator 24 and payment transaction system (escrow etc.), which are identified as a chain in order to facilitate the execution of the transaction);

Identifying at least one chain of at least some of the intermediate parties the intermediate orders from which if executed..partially complete the transaction (see analysis of "allowing" step).

Claims 19 and 20: determining whether a match occurs between one of the intermediate orders and at least first and second orders (execution of real estate are predicated on successful negotiation, therefore, determining match is inherent in Broerman, see Fig.9).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th. The examiner's desktop fax number for informal communication is (571) 273-6748.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571)272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

4/29/05